



April 14, 1999

Ms. Pamela Wolek
Assistant City Attorney
City of Amarillo
Legal Department
P.O. Box 1971
Amarillo, Texas 79105-1971

OR99-1022

Dear Ms. Wolek:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 123478.

The City of Amarillo (the "city") received a request for "a copy of all other bid proposals" submitted in response to a specified Request for Proposal. You explain that the city "has interpreted [the requestor's] letter to mean she is not requesting that bid in which her company collaborated, i.e. that from Motorola." In response to the request, you submit to this office for review a representative sample of the information at issue.¹ You state that it is "the City's position that the majority of information contained in these bids is excepted from required public disclosure" pursuant to section 552.110 of the Government Code. Specifically, you assert that "all information marked 'Confidential' by the bidders is excepted from required public disclosure by virtue of Section 552.110."² We have considered the exception you claim and reviewed the submitted information.

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

²We note that information is not confidential under the Public Information Act simply because the party submitting it to a governmental body anticipates or requests that it be kept confidential. Open Records Decision No. 479 (1987).

You also state that “[r]egarding the copyrighted information and any other information not designated as Confidential, the City would submit its request pursuant to the Texas Government Code section 552.305.” As for the issue of copyrighted records, which did not appear to be submitted to our office, we note that a governmental body is not required to furnish copies of copyrighted records; the public may inspect and make copies of such records unassisted by the governmental body, but it assumes the duty and risk of compliance with copyright law. Open Records Decision No. 550 (1990). *See* Open Records Decision No. 505 (1988) (federal law, not Public Information Act, governs right to reproduce copyrighted records).

Pursuant to section 552.305, we notified New World Systems Corporation (“New World”), and Open Systems Group (“Open Systems”), whose proprietary interests may be implicated by this request for information, and provided them with an opportunity to claim that the information at issue is excepted from disclosure. *See* Gov’t Code § 552.305; Open Records Decision No. 542 (1990). The notification states that if the company does not respond within 14 days of receipt, this office will assume that the company has no privacy or property interest in the requested information. Since neither New World nor Open Systems responded to our notification, we assume that the respective companies have no property or privacy interest in the information. Therefore, we have no basis to conclude the information about New World or Open Systems is excepted from required public disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Haddad". The signature is fluid and cursive, with a large loop at the beginning.

Sam Haddad
Assistant Attorney General
Open Records Division

SH/nc

Ref.: ID# 123478

Encl: Submitted documents

cc: Ms. Leslie Reilly
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(w/o enclosures)

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